

Practitioner's Docket No. 57155-CIP2 (BC) (70207)

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

[X] Applicant: David M. KNIPF, Robert FINBERG and George SIBER  
Serial No. \*: 08/278,601  
Filed: July 21, 1994  
For: HERPESVIRUS REPLICATION DEFECTIVE MUTANTS

Examiner: MOSHER, Mary

Assistant Commissioner for Patents  
Washington, D.C. 20231  
Attn: Examiner M. Mosher


## CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that the following papers are being facsimile transmitted to the Patent and Trademark Office (fax No. (703) 746-5258) on the date shown below:

1. STATEMENT UNDER 37 C.F.R. § 3.73(b) ESTABLISHING RIGHT OF ASSIGNEE TO TAKE ACTION (4 pages);
2. POWER OF ATTORNEY BY ASSIGNEE OF ENTIRE INTEREST (REVOCATION OF PRIOR POWERS) (2 pages).

August 15, 2002  
Date

Nicholas A. Zachariades  
(type or print name of person signing certification)

  
Signature

BOS2 310094.1

(Certification of Facsimile Transmission—page 1 of 1)

Practitioner's Docket No. 57155-CIP2 (RC) (70207)**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

[X] Applicant: David M. KNIPE, Robert FINBERG and George SIBER  
Serial No.\*: 08/278,601  
Filed: July 21, 1994  
For: HERPESVIRUS REPLICATION DEFECTIVE MUTANTS

*\*NOTE: Insert name(s) of all inventor(s) and title also for patent.*

Commissioner for Patents  
Washington, D.C. 20231

**POWER OF ATTORNEY BY ASSIGNEE OF ENTIRE INTEREST  
(REVOCATION OF PRIOR POWERS)**

As assignee of record of the entire interest of the above identified  
[X] application,  
[ ] patent,

**REVOCATION OF PRIOR POWERS OF ATTORNEY**

all powers of attorney previously given are hereby revoked and

**NEW POWER OF ATTORNEY**

the following attorney(s) and/or agent(s) are hereby appointed to prosecute and transact all business in the Patent and Trademark Office connected therewith.

*(list name and registration number)*

David G. Conlin	Reg. No. 27,026	George W. Neuner	Reg. No. 26,964
Linda M. Buckley	Reg. No. 31,003	Peter J. Manus	Reg. No. 26,766
Peter F. Corless	Reg. No. 33,860	Cara Z. Lowen	Reg. No. 38,227
William J. Daley, Jr.	Reg. No. 35,487	Christine C. O'Day	Reg. No. 38,256
Robert L. Buchanan	Reg. No. 40,927	David A. Tucker	Reg. No. 27,840
Lisa Swiszczy Hazzard	Reg. No. 44,368	John B. Alexander	Reg. No. 48,399
Steven M. Jensen	Reg. No. 42,693	Kathryn A. Piffat	Reg. No. 34,901
Richard J. Roos	Reg. No. 45,053	Timothy Carter Pledger	Reg. No. 29,424
Dianne M. Rees	Reg. No. 45,281	Edward J. Adamson	Reg. No. P-50,927
John J. Penny, Jr.	Reg. No. 36,984	Peter J. Manso	Reg. No. 32,624
Howard M. Gizen	Reg. No. 32,138		

*(check the following item, if applicable)*

[ ] Attached, as part of this power of attorney, is the authorization of the above-named attorney(s) to accept and follow instructions from my representative(s).

*(Power of Attorney by Assignee of Entire Interest—page 1 of 2)*

**SEND CORRESPONDENCE TO:**

George W. Neuner  
Edwards & Angell, LLP  
P.O. Box 9169  
Boston, MA 02209  
USA

**DIRECT TELEPHONE CALLS TO:**

George W. Neuner  
(617) 439-4444

Customer No.:

PRESIDENT AND FELLOWS OF HARVARD COLLEGE  
(type or print identity of assignee of entire interest)  
17 QUINCY STREET  
Address  
BOSTON, MASSACHUSETTS 02138

- ☒ Recorded in PTO on September 2, 1994  
Reel 7122  
Frame 0171-0173  
☐ Recorded herewith

**ASSIGNEE STATEMENT**

Attached to this power is a "STATEMENT UNDER 37 C.F.R. 3.73(b)."

Susanne E. Churchill  
Signature  
Susanne E. Churchill

Date: 8-14-02

(type or print name of person authorized to sign on behalf of assignee)  
Acting Director, Office of Technology Licensing & Industry Sponsored Research  
Harvard Medical School  
Title

NOTE: The assignee of the entire interest may revoke previous powers and be represented by an attorney of his or her selection.  
37 C.F.R. 1.36.

(check the following item, if it forms a part of this power of attorney)

- ☐ Added page—Authorization of attorney(s) to accept and follow instructions from representative.

(Power of Attorney by Assignee of Entire Interest—page 2 of 2)

Practitioner's Docket No. 57155-CIP2 (BC) (70207)

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

[X] Applicant: David M. KNIPF, Robert FINBERG and George SIBER  
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Commissioner for Patents  
Washington, D.C. 20231

STATEMENT UNDER 37 C.F.R. § 3.73(b)  
ESTABLISHING RIGHT OF ASSIGNEE TO TAKE ACTION

\*WARNING: Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. 1.10(b).  
"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

NOTE: 37 CFR 3.73(b) states: "When an assignee seeks to take action in a matter before the Office with respect to a patent application, ..., patent, registration, or reexamination proceeding, the assignee must establish its ownership of the property to the satisfaction of the Commissioner. Ownership is established by submitting to the Office, in the Office file related to the matter in which action is sought to be taken, documentary evidence of a

CERTIFICATION UNDER 37 C.F.R. 1.8(a) and 1.10\*  
(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

## MAILING

X deposited with the United States Postal Service in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

37 C.F.R. 1.8(a)

X with sufficient postage as first class mail.



37 C.F.R. 1.10\*  
as "Express Mail Post Office to Addressee"  
Mailing Label No. (mandatory)

## TRANSMISSION

☐ transmitted by facsimile to the Patent and Trademark Office.

Signature

Judith A. Herrick

(type or print name of person certifying)

Date: \_\_\_\_\_

(Statement under 37 C.F.R. § 3.73(b) Establishing Right of Assignee to Take Action—page 1 of 4)

chain of title from the original owner to the assignee (e.g., copy of an executed assignment submitted for recording) or by specifying (e.g., reel and frame number) where such evidence is recorded in the Office. The submission establishing ownership must be signed by a party authorized to act on behalf of the assignee. Documents submitted to establish ownership may be required to be recorded as a condition to permitting the assignee to take action in a matter pending before the Office."

**NOTE:** The PTO points out, in the Notice of June 24, 1992 (1140 O.G. 63-72, at 66), that "[a]dditionally, when a patent assignee is not represented by an attorney or registered agent, a statement by the assignee must also be submitted stating that the evidence has been reviewed and certifying that, to the best of the party's knowledge and belief, title is in the party seeking to take action."

1. The assignee(s) of the entire right, title and interest hereby seek(s) to take action in the PTO in this matter.

### IDENTIFICATION OF ASSIGNEE

2. PRESIDENT AND FELLOWS OF HARVARD COLLEGE  
 (type or print identity of assignee of entire interest)  
17 QUINCY STREET  
 Address  
BOSTON, MASSACHUSETTS 02138  
 Type of assignee, e.g., corporation, partnership, university, government agency, etc.

### PERSON AUTHORIZED TO SIGN

3. Susanne E. Churchill  
 (type name of person authorized to sign on behalf of assignee)  
Acting Director, Office of Technology Licensing & Industry Sponsored Research  
 Title of person authorized to sign

**NOTE:** The Notice of April 30, 1993 (1150 O.G. 62-64) points out:

"The statement under 37 CFR 3.73(b) may be signed on behalf of the assignee in the following two manners: if the assignee is an organization (e.g., corporation, partnership, university, government agency, etc.).

"(1) The statement may be signed by a person in the organization having apparent authority to sign on behalf of the organization. An officer (president, vice-president, secretary, or treasurer) is presumed to have authority to sign on behalf of the organization. The signature of the chairman of the board of directors is acceptable, but not the signature of an individual director. A person having a title (manager, director, administrator, general counsel) that does not clearly set forth that person as an officer of the assignee is not presumed to be an officer of the assignee or to have authority to sign the statement on behalf of the assignee. A power of attorney from the inventors in an organization to a practitioner to prosecute a patent application does not make the practitioner an official of an assignee or empower the practitioner to sign the statement on behalf of the assignee.

"(2) The statement may be signed by any person, if the statement includes an averment that the person is empowered to sign the statement on behalf of the assignee and, if not signed by a registered practitioner, the statement must be in oath or declaration form. Where a statement does not include such an averment, and the person signing does not hold a position in the organization that would give rise to a presumption that the person is empowered to sign the statement on behalf of the assignee, evidence of the person's authority to sign will be required."

(Statement under 37 C.F.R. § 3.73(b) Establishing Right of Assignee to Take Action—page 2 of 4)

(complete the following, if applicable)

- ☒ I, the person signing below, state that I am empowered to sign this statement on behalf of the assignee.

### BASIS OF ASSIGNEE'S INTEREST

Ownership by the assignee is established as follows:

A.

1. ☒ An assignment from the inventor(s) of the matter identified above, which was recorded in the PTO on September 2, 1994 at

Reel 7122, Frame 0171-0173

2. ☐ An assignment (document) separately being submitted for recordal herewith.

### AND/OR

- B. ☐ A chain of title from the inventor(s) to the current assignee as shown below:

1. From: \_\_\_\_\_  
Name of inventor(s)  
To: \_\_\_\_\_  
Recorded in PTO: Reel \_\_\_\_\_, Frame \_\_\_\_\_
2. From: \_\_\_\_\_  
Name of inventor(s) or assignee  
To: \_\_\_\_\_  
Recorded in PTO: Reel \_\_\_\_\_, Frame \_\_\_\_\_
3. From: \_\_\_\_\_  
Name of inventor(s) or assignee  
To: \_\_\_\_\_  
Recorded in PTO: Reel \_\_\_\_\_, Frame \_\_\_\_\_

(check item below, and add details, if applicable)

- ☐ Additional documents in the chain of title are listed in the attached Supplemental Sheet.

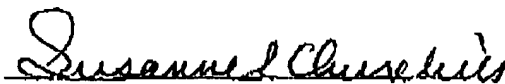
### COPIES OF DOCUMENTS IN CHAIN OF TITLE

(complete this item, if copies are being sent)

- ☒ Copies of the assignment(s) or other document(s) in the chain of title are attached as follows:

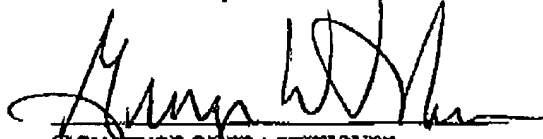
(Statement under 37 C.F.R. § 3.73(b) Establishing Right of Assignee to Take Action—page 3 of 4)

[X] A [X] 1 [ ] 2  
 [ ] B [ ] 1 [ ] 2 [ ] 3

  
 Signature of authorized person

Susanne E. Churchill  
 (type or print name of authorized person)

Acting Director, Office of Technology  
 Licensing & Industry Sponsored Research  
Harvard Medical School  
 Title of authorized person

  
 SIGNATURE OF PRACTITIONER

George W. Neuner  
 (type or print name of practitioner)

P.O. Box 9169  
 P.O. Address

Boston, Massachusetts 02209-9169

Reg. No.: 26,964

Tel. No.: (617) 439-4444

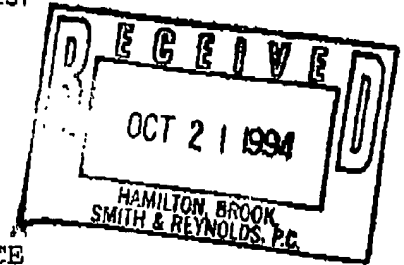
Customer No.: 21874

BOIS2\_308490.1

(Statement under 37 C.F.R. § 3.73(b) Establishing Right of Assignee to Take Action—page 4 of 4)

**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231DATE: 09/29/94  
TO:

N04C

DAVID E. BROOK, ESQ.  
HAMILTON, BROOK, SMITH & REYNOLDS, P.C.  
TWO MILITIA DRIVE  
LEXINGTON, MA 02173**UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT**

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT BRANCH OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE U.S. PATENT AND TRADEMARK OFFICE ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT ASSIGNMENT PROCESSING SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT BRANCH, NORTH TOWER BUILDING, SUITE 10C35, WASHINGTON, D.C. 20231

ASSIGNOR:  
KNIFE, DAVID

DOC DATE: 08/23/94

RECORDATION DATE: 09/02/94 NUMBER OF PAGES 003 REEL/FRAME 7122/0171

DIGEST : ASSIGNMENT OF ASSIGNORS INTEREST

ASSIGNEE:  
PRESIDENT AND FELLOWS OF HARVARD COLLEGE  
124 MOUNT AUBURN STREET  
CAMBRIDGE, MA 02138-5701SERIAL NUMBER 8-278601 FILING DATE 07/21/94  
PATENT NUMBER ISSUE DATE 00/00/00EXAMINER/PARALEGAL  
ASSIGNMENT BRANCH  
ASSIGNMENT/CERTIFICATION SERVICES DIVISION



# 701 00 - 281 - 12

FORM PTO-1595  
(Rev. 6-93)

OMD No. 0651-0011 (exp. 4/95)

Tab settings 0 0 0

ORDINATION FORM COVER SHEET  
PATENTS ONLYU.S. DEPARTMENT OF COMMERCE  
Patent and Trademark Office

DFCI-363A

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

## 1. Name of conveying party(ies):

David Knipe

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

## 3. Nature of conveyance:

☒ Assignment☐ Merger☐ Security Agreement☐ Change of Name☐ Other \_\_\_\_\_

Execution Date: August 23, 1994

## 2. Name and address of receiving party(ies)

Name: President and Fellows of Harvard  
College

Internal Address: \_\_\_\_\_

Street Address: 124 Mount Auburn Street

City: Cambridge State: MA ZIP: 02138-5701

Additional name(s) & address(es) attached? ☐ Yes ☒ No

## 4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: \_\_\_\_\_

A. Patent Application No.(s)

08/278,601

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

## 5. Name and address of party to whom correspondence concerning document should be mailed:

Name: David E. Brook, Esq.

Internal Address: HAMILTON, BROOK, SMITH &  
REYNOLDS, P.C.

Street Address: Two Militia Drive

City: Lexington State: MA ZIP: 02173

6. Total number of applications and patents involved: ☐ 1

7. Total fee (37 CFR 3.41).....\$ 40.00

☒ Enclosed☐ Authorized to be charged to deposit account

## 8. Deposit account number:

(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

090 BA 09/08/94 08278601

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91855817

## 9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Carolyn S. Elmore

Name of Person Signing

  
Signature

 August 30, 1994  
Date
Total number of pages including cover sheet, attachments, and document: ☐ 3

Mail documents to be recorded with required cover sheet information to:

Patents & Trademarks, Box Assignments  
Washington, D.C. 20231

Doc. No. DFCI-363A

SoleASSIGNMENT

WHEREAS, I, David Knipe (hereinafter "the Assignor") have, together with co-inventors Robert Finberg and George Siber, invented a certain new and useful improvement in HERPESVIRUS REPLICATION DEFECTIVE MUTANTS described in an application for Letters Patent of the United States, Serial No. 08/278,601, filed July 21, 1994.

WHEREAS, the President and Fellows of Harvard College (hereinafter "ASSIGNEE"), a corporation organized and existing under the laws of the Commonwealth of Massachusetts, and having a usual place of business at 124 Mount Auburn Street, Cambridge, Massachusetts 02138-5701 desires to acquire an interest therein in accordance with agreements duly entered into with me;

NOW, THEREFORE, to all whom it may concern be it known that for and in consideration of the said agreements and of other good and valuable consideration, the receipt of which is hereby acknowledged, I have sold, assigned and transferred and by these presents do hereby sell, assign and transfer unto said ASSIGNEE, its successors, assigns and legal representatives, my entire right, title and interest in and throughout the United States of America, its territories and all foreign countries, in and to the said invention as described in said application, together with my entire right, title and interest in and to the said application and such Letters Patent as may issue thereon; said invention, application and Letters Patent to be held and enjoyed by said ASSIGNEE for its own use and behalf and for its successors, assigns and legal representatives, to the full end of the term for which said Letters Patent may be granted as fully and entirely as the same would have been held by me had this assignment and sale not been made; I hereby convey all rights arising under or pursuant to any and all international agreements, treaties or laws relating to the protection of industrial property by filing any such applications for Letters Patent. I hereby acknowledge that this assignment, being of my entire right, title and interest in and to said invention, carries with it the right in ASSIGNEE to apply for and obtain from competent authorities in all countries of the world any and all Letters Patent by attorneys and agents of ASSIGNEE selection and the right to procure the grant of all such Letters Patent to ASSIGNEE for its own name as assignee of my entire right, title and interest therein.

AND, I hereby further agree for myself and my executors and administrators to execute upon request any other lawful documents and likewise to perform any other lawful acts which may be deemed necessary to secure fully the aforesaid invention to said ASSIGNEE, its successors, assigns and legal representatives, but at its or their expense and charges, including the execution of applications for patents in foreign countries, and the execution

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-2-

of substitution, reissue, divisional or continuation applications and preliminary or other statements and the giving of testimony in any interference or other proceeding in which said invention or any application or patent directed thereto may be involved.

AND, I do hereby authorize and request the Commissioner of Patents of the United States to issue such Letters Patent as shall be granted upon said application or applications based thereon to said ASSIGNEE, its successors, assigns, and legal representatives;

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my seal the date set forth below.

Inventor: David Knipe

David Knipe

State/Commonwealth

of MassachusettsCounty of Suffolk

Then personally appeared before me the above-named David Knipe and acknowledged that he executed the foregoing instrument as his free act and deed this 28<sup>th</sup> day of August, 1999.

(SEAL)

Kelly S. Beryl

Notary Public

(print name)

My Commission expires 4/28/2000RECORDED  
NOTARY PUBLIC OFFICE

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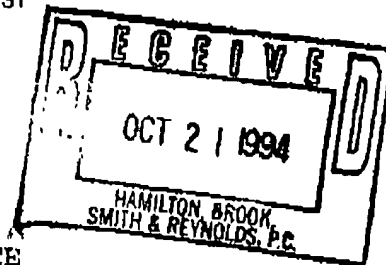


UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

DATE: 09/29/94  
TO:

N04C

DAVID E. BROOK, ESQ.  
HAMILTON, BROOK, SMITH & REYNOLDS, P.C.  
TWO MILITIA DRIVE  
LEXINGTON, MA 02173



UNITED STATES PATENT AND TRADEMARK OFFICE  
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ASSIGNOR:  
KNIPE, DAVID

DOC DATE: 08/23/94

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ASSIGNEE:

PRESIDENT AND FELLOWS OF HARVARD COLLEGE  
124 MOUNT AUBURN STREET  
CAMBRIDGE, MA 02138-5701

SERIAL NUMBER 8-278601 FILING DATE 07/21/94  
PATENT NUMBER ISSUE DATE 00/00/00

EXAMINER/PARALEGAL  
ASSIGNMENT BRANCH  
ASSIGNMENT/CERTIFICATION SERVICES DIVISION

FORM PTO-1595  
(Rev. 6-93)

OMB No. 0651-0011 (exp. 4/98)

ORDINATION FORM COVER SHEET  
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Patent and Trademark Office

DFCI-363A

Tab settings □ □ □

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

## 1. Name of conveying party(ies):

David Knipe

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

## 3. Nature of conveyance:

☒ Assignment☐ Merger☐ Security Agreement☐ Change of Name☐ Other \_\_\_\_\_

Execution Date: August 23, 1994

## 2. Name and address of receiving party(ies)

Name: President and Fellows of Harvard  
College

Internal Address: \_\_\_\_\_

Street Address: 124 Mount Auburn Street

City: Cambridge State: MA ZIP: 02138-5701

Additional name(s) & address(es) attached? ☐ Yes ☒ No

## 4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: \_\_\_\_\_

A. Patent Application No.(s)

08/278,601

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

## 5. Name and address of party to whom correspondence concerning document should be mailed:

Name: David E. Brook, Esq.

Internal Address: HAMILTON, BROOK, SMITH &  
REYNOLDS, P.C.

Street Address: Two Militia Drive

City: Lexington State: MA ZIP: 02173

## 6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 3.41).....\$ 40.00

☒ Enclosed☐ Authorized to be charged to deposit account

## 8. Deposit account number:

(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

090 BA 09/08/94 08278601

1 501 40.00 CK

91855817

## 9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Carolyn S. Elmore

Name of Person Signing

Signature

Date

Total number of pages including cover sheet, attachments, and document: 3

Mail documents to be recorded with required cover sheet information to:

Patents & Trademarks, Box Assignments  
Washington, D.C. 20231

Doc. No. DFCI-363A

SoleASSIGNMENT

WHEREAS, I, David Knipe (hereinafter "the Assignor") have, together with co-inventors Robert Finberg and George Siber, invented a certain new and useful improvement in HERPESVIRUS REPLICATION DEFECTIVE MUTANTS described in an application for Letters Patent of the United States, Serial No. 08/278,601, filed July 21, 1994.

WHEREAS, the President and Fellows of Harvard College (hereinafter "ASSIGNEE"), a corporation organized and existing under the laws of the Commonwealth of Massachusetts, and having a usual place of business at 124 Mount Auburn Street, Cambridge, Massachusetts 02138-5701 desires to acquire an interest therein in accordance with agreements duly entered into with me;

NOW, THEREFORE, to all whom it may concern be it known that for and in consideration of the said agreements and of other good and valuable consideration, the receipt of which is hereby acknowledged, I have sold, assigned and transferred and by these presents do hereby sell, assign and transfer unto said ASSIGNEE, its successors, assigns and legal representatives, my entire right, title and interest in and throughout the United States of America, its territories and all foreign countries, in and to the said invention as described in said application, together with my entire right, title and interest in and to the said application and such Letters Patent as may issue thereon; said invention, application and Letters Patent to be held and enjoyed by said ASSIGNEE for its own use and behalf and for its successors, assigns and legal representatives, to the full end of the term for which said Letters Patent may be granted as fully and entirely as the same would have been held by me had this assignment and sale not been made; I hereby convey all rights arising under or pursuant to any and all international agreements, treaties or laws relating to the protection of industrial property by filing any such applications for Letters Patent. I hereby acknowledge that this assignment, being of my entire right, title and interest in and to said invention, carries with it the right in ASSIGNEE to apply for and obtain from competent authorities in all countries of the world any and all Letters Patent by attorneys and agents of ASSIGNEE selection and the right to procure the grant of all such Letters Patent to ASSIGNEE for its own name as assignee of my entire right, title and interest therein.

AND, I hereby further agree for myself and my executors and administrators to execute upon request any other lawful documents and likewise to perform any other lawful acts which may be deemed necessary to secure fully the aforesaid invention to said ASSIGNEE, its successors, assigns and legal representatives, but at its or their expense and charges, including the execution of applications for patents in foreign countries, and the execution

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-2-

of substitution, reissue, divisional or continuation applications and preliminary or other statements and the giving of testimony in any interference or other proceeding in which said invention or any application or patent directed thereto may be involved.

AND, I do hereby authorize and request the Commissioner of Patents of the United States to issue such Letters Patent as shall be granted upon said application or applications based thereon to said ASSIGNEE, its successors, assigns, and legal representatives;

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my seal the date set forth below.

Inventor: David Knipe  
David Knipe

State/Commonwealth  
of Massachusetts  
County of Suffolk

Then personally appeared before me the above-named David Knipe and acknowledged that he executed the foregoing instrument as his free act and deed this 28<sup>th</sup> day of August, 1994

(SEAL)

Kelly S. Brienly Notary Public  
(print name)  
My Commission expires 4 / 28 / 2000

RECEIVED  
ALBANY COUNTY CLERK'S OFFICE

SEP -2 94

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